

# **EXHIBIT 7**

**RE: [EXTERNAL] Nunez: Monitoring Team's Response to July 28, 2023 Requests**

Schemitsch, John (Law) &lt;jschemit@law.nyc.gov&gt;

Thu 9/21/2023 5:57 PM

To: Anna Friedberg <afriedberg@tillidgroup.com>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Kayla Simpson <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>; Joyce, Kimberly (DOC) <Kimberly.Joyce@doc.nyc.gov>; Oestericher, Jeffrey (USANYS) <Jeffrey.Oestericher@usdoj.gov>  
Cc: Steve Martin <smart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

Good afternoon:

Please see defendants' additional responses (in blue) below.

**Records related to the July 15, 2023 in-custody death.**

The death in custody which occurred on July 15, 2023 remains under investigation and the documents related to that incident are subject to law enforcement privilege.

**August 31, 2023 Request 3:** The complete Investigation Division files for the following use of force incidents, as well as any information related to the incidents regarding 1) immediate corrective actions (including but not limited to immediate suspensions) taken; 2) any informal discipline such as command discipline imposed; and 3) whether formal disciplinary charges were filed, the status of the proceedings on such charges, and the disposition of such charges.

Incidents 0581/23, 0798/23, 1091/23, 1493/23, 1534/23, 1544/23, 1598/23, 1703/23, 1798/23, 1951/23, and 2062/23 remain open and under investigation and are subject to law enforcement privilege. The remaining requested investigation division files should be designed as "Confidential Materials" pursuant to paragraphs 2(a), 2(d), and 2(i).

**August 31, 2023 Request 9:** All records related to the 2023 deaths in custody listed below to the extent not already produced. Certain of these files have been produced already.

The deaths in custody which occurred on February 4, 2023, July 4, 2023, July 15, 2023, and August 22, 2023 remain under investigation and the documents related to those incidents are subject to law enforcement privilege. The death in custody which occurred on July 6, 2023 occurred due to natural causes; defendants object to the production of documents related this incident as it is outside the scope of this case and there is no basis for this request. Defendants further note that the request for documents pertaining to the death in custody which occurred on May 16, 2023 is moot as this pertains to person in custody No. 2 under the interim protective order.

Best,

**John Schemitsch**

Senior Counsel

Pronouns: he/him

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**From:** Anna Friedberg <afriedberg@tillidgroup.com>

**Sent:** Thursday, September 21, 2023 9:37 AM

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**Cc:** Steve Martin <sjsmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

**Subject:** RE: [EXTERNAL] Nunez: Monitoring Team's Response to July 28, 2023 Requests

Dear All,

We write to follow-up on the Monitoring Team's understanding regarding the status of Plaintiff requests in which the City and/or the SDNY/Plaintiffs must resolve before production can occur. As outlined below, there are certain matters in which we are awaiting a response from the City. In others, we believe we are awaiting the position of SDNY/Plaintiffs to the City's response. This list is limited to outstanding requests in which the City or SDNY/Plaintiffs position is needed. There are additional outstanding requests in which the Monitoring Team is working on a response, but a discussion among the parties is not necessary.

Please advise if you have identified any errors in the list below.

Thanks,  
 Anna

- NCU Audits – Awaiting position of SDNY/Plaintiffs to City's proposed protective shared on September 20, 2023
- Records related to the July 15, 2023 in-custody death – awaiting response from the City
- July 28, 2023 Request 8 (Illustrative Examples) – awaiting position of SDNY/Plaintiffs to City's 9/20 response (below)
  - Illustrative Examples 1-4 should be designated as "Confidential Materials" pursuant to paragraph 2(i) of the Amended Protective Order.

- *Illustrative Examples 5, 7-9 remain open investigations and are subject to law enforcement privilege.*
- *Illustrative Example 6, these documents should be designated as "Confidential Materials" pursuant paragraphs 2(a), 2(d) of the Amended Protective Order.*
- July 28, 2023 Request 14 (Facility Corrective Action Responses) - **awaiting position of SDNY/Plaintiffs to City's 9/20 response (below)**
  - *Production of the Facility responses as "Confidential Materials" pursuant to paragraphs 2(c), 2(h) and 2(i) of the Amended Protective Order*
- August 31, 2023 Request 3 (UoF Incidents) – **awaiting response from the City**
- August 31, 2023 Request 9 (In-Custody Death Records) – **awaiting response from the City**
- August 31, 2023 Request 18- (May 2023 Audit Plan)- **awaiting position of SDNY/Plaintiffs to City's 9/20 response (below)**
  - *Defendants agree to production of these documents under an "Attorneys-Eyes-Only" designation as these documents are highly sensitive and concern security issues in facilities and proposals to resolve these issues.*
- September 6, 2023 Follow-up Question 7 (Security Audits) – **awaiting position of SDNY/Plaintiffs to City's 9/20 response (below)**
  - Defendants' response above to the August 31, 2023 Request 18, Defendants agree to production of these documents under an "Attorneys-Eyes-Only" designation as these documents are highly sensitive and concern security issues in facilities and proposals to resolve these issues.
- September 6, 2023 Follow-up Question 11 – **awaiting response from the City**

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 Anna E. Friedberg

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